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FROM: M. J. Cronin INR/DOC/IL 8646 NS  
(Name) (Office Symbol) (Room No.) (Bldg.)

TO: [ ] CIA/ODA/IPS 2E42 Hqrs.  
(Name) (Office Symbol) (Room No.) (Bldg.)

PART V

DATE RECEIVED: 1 Feb 79

IDENTIFICATION \_\_\_\_\_

**McAfee to [ ] memo of 1/25/79 (Unclass.)**

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## DEPARTMENT OF STATE

Washington, D.C. 20520

JAN 25 1979

MEMORANDUM

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TO :   
Information and Privacy Coordinator  
Central Intelligence Agency

THROUGH : Ms. Barbara Ennis, Director *BE*  
Freedom of Information Staff

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FROM : William McAfee *MM*  
Deputy Director for Coordination  
Bureau of Intelligence and Research

SUBJECT : Declassification Review of Foreign Biographic  
Reports or Sketches

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Ms. Barbara Ennis, Director of the Department's Freedom of Information Staff, has asked me to reply to  letters of March 16 and May 22, 1978, copies attached, asking for the Department's views on the handling of requests by CIA for finished biographic reports on foreign personalities under the Freedom of Information Act and related rules. We regret the delay in responding to your requests, which necessarily entailed considerable coordination within the Department.

The Agency's proposal has received a favorable response from the five geographic bureaus of the Department, the geographic components within INR, and the Legal Division. Consequently, the Department: (1) approves the Agency's "Guidelines for Reviewing Classified Biographic Reports for Declassification Purposes" (attached to the May 22, 1978 memorandum), (2) authorizes the Agency to handle requests for pre-1962 biographic reports written by INR, (3) supports the position that classified biographic reports on currently important personages be denied in total, and (4) finds it unnecessary for the Agency, on a regular basis, to send to the Department for review classified biographic reports that are denied under the criteria of Sections 1-301(b), (c), and (d) and 1-302 of E. O. 12065. If in doubt, the Agency should consult with the Department prior to releasing or denying biographic reports in whole or in part.

The Department cannot give an unqualified assurance, however, that it would in all cases support the Agency's

- 2 -

claim of exemption for biographic reports under Section 552(b) (1) of the Freedom of Information Act or for reports remaining properly classified under E. O. 12065 in mandatory declassification review cases. Section 1-302 of the Order requires a determination upon review that "disclosure reasonably could be expected to cause at least identifiable damage to the national security." The Department will support the Agency where biographic reports meet the criteria of the Order that identifiable damage can reasonably be expected.

We appreciate and accept the Agency's offer to relieve the Department of the burden of reviewing certain biographic reports. We would like, however, to review these procedures after a trial period of one year.

Attachments:

As stated.

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

22 MAY 1978

Mrs. Barbara Ennis  
Director, Freedom of Information Staff  
Bureau of Public Affairs  
Room 2811, New State  
Department of State  
Washington, DC 20520

DEPARTMENT OF STATE  
MAY 26 9 42 AM '78  
BUREAU OF  
PUBLIC AFFAIRS  
FREEDOM OF INFO. STAFF

Dear Mrs. Ennis:

You will recall that several weeks ago I sent you a letter asking for guidance from the Department of State in the handling of requests received by the CIA for biographic materials on foreign personalities. I understand that you sent the letter to the Bureau of Intelligence and Research. We have not yet received a response to this letter and it would be much appreciated if you would check into its status and advise me when a reply might be forthcoming.

I am enclosing for State Department comment a copy of a procedural instruction recently promulgated by our Office of Central Reference. As you will see, it concerns the same subject. Please forward the instruction to appropriate officers of the Department and then relay their remarks to me. If our withholding of biographic materials under the Freedom of Information Act leads to litigation, we will have to rely upon the Department of State to support our contention that release of such material would be likely to affect adversely the conduct of U. S. foreign relations. It is therefore vitally important that our policies conform as closely as possible with the thinking at State.

Requests involving biographical data are currently being processed by the Agency, and new requests are received each week. While we prefer a considered opinion to a hasty reaction, there is some urgency attached to this question.

DEPARTMENT OF STATE  
Bureau of Intelligence and Research

MAY 25 1978

Office of Intelligence Liaison

I would appreciate receiving your comments on our newly adopted guidelines as soon as feasible--hopefully, within two or three weeks. If this is not possible, please notify me.

Sincerely,

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for Gene F. Wilson  
Information and Privacy Coordinator

Enclosure

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